

BOARD OF FORESTRY AND FIRE PROTECTION

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**Small Landowner THP Background**

Non-corporate forest landowners control approximately 3.2 million acres of the state's nearly 8 million acres of private timberlands. Of these, the smallest landowners owning less than 160 acres of timber are particularly sensitive to costs and are geographically dependent on local revenue opportunities. These family ownerships are often not well represented in local and state venues that formulate tenets that regulate commercial forest management. The unintended consequence is the adoption of policies, often based on intensive industrial practices, which have culminated in a disproportionately burdensome regulatory system. This drives small ownerships towards more aggressive harvesting of timber to recoup costs or to engage in actions that would produce other sources of revenue. These alternative revenue generating projects including sub-dividing, forest conversion and fragmentation, all of which are in opposition of what was intended during the multi-decade development of the California Forest Practice Rules.

This cohort of landowner consists generally of family ownerships. These properties are the location of a primary or secondary residence or undeveloped parcels that are utilized for purposes of recreation. Given this pattern of land use, the resulting management practices of these ownerships, including timber harvesting activities, are conducted under a conservation ethic. The goals of these landowners, with assistance of their Registered Professional Forester, often include:

- “Light Touch” single tree and “Group” selection
- Preservation of aesthetic values
- Hazard reduction for wildfire
- Timber stand improvement
- Maintenance of wildlife trees and other biological legacies
- Extended period of time between harvesting activities

Various stakeholders including agencies, industrial landowners, mid-sized landowner and environmental advocates, have been working on solutions to identified problems within the forestry sector. The solutions are proportional to the identified problem and/or type of timberland use. The low impact, diminutive scope and general stewardship demonstrated by these landowners should result in a contemporary permitting structure that represents a “streamlined” and cost effective approach. A small landowner THP that provides for the necessary protection of public trust resources, including wildlife, water, archaeology, carbon sequestration, social and economic factors can be an effective permitting vehicle that will supply this cohort of landowner with the understanding that the state recognizes the importance of these family ownerships.

The benefits of such an approach are multifaceted and do not apply only to the landowner, but also to the State of California. These benefits span ecological, social and economic spectrums:

Ecological Benefits:

- Maintains terrestrial habitat values of forested landscapes
- Protects, maintains and enhances aquatic resources by incorporating standards that are more rigorous than current Forest Practice Rules
- Working forests are recognized for the long term sequestration and storage of greenhouse gases.

Social:

- Incentivizes forest practices that are accepted by many conservation groups
- Promotes the conservation ethic within private small scale working forests
- Promotes long term sustained yield of high quality forest products
- Compatible with all Certification systems
- Economic:
 - Allows the small landowner to achieve compliance of the California Forest Practice Rules and CEQA in a cost effective manner
 - Provides employment opportunity to rural communities
 - Provides state agencies with cost effective review process
 - Could generate additional revenue for the state

Small Landowner process Considerations:

This permit would be fashioned after a negative declaration process. A Negative Declaration is prepared for a project which the submitter determines from an Initial Study will not have a significant effect. Or, a Mitigated Negative Declaration shall be prepared if the Initial Study identified potentially significant effects, but revisions in the project or mitigation measures to avoid or reduce the effects to a point where no significant effects would occur are agreed to by the Department before the negative declaration and initial study are released for public review (CEQA Guidelines, Section 15070).

While preparing a Negative Declaration or Mitigated Negative Declaration, the submitter or Department shall consult with all public agencies which have discretionary approval over the project. (CEQA Guidelines, Section 15381).

The Negative Declaration is a document which consists of a brief project description, the location of the project, a description of mitigation measures (if any) included in the project to avoid potentially significant effects, an Initial Study, and a formal finding stating that the project will not have a significant adverse effect (CEQA Guidelines, Section 15071). If the Initial Study leads to the finding that a significant adverse effect may occur, then an EIR must be prepared.

The Initial Study facilitates: (1) identification of environmental impacts; (2) an assessment of environmental impact early in project design; (3) project modifications to avoid or mitigate adverse impacts; and (4) factual documentation for a finding, if appropriate, that the project will not have a significant adverse effect on the environment (CEQA Guidelines, Section 15063).

The Guidelines do not specify the precise format for Initial Study. However, the Initial Study must contain the following specific elements in written form: (1) a description of the project, including its location; (2) the environmental setting; (3) environmental effects by use of a check list, (4) a commitment to mitigate adverse effects, if any, to insignificance; (5) an examination of whether the project is compatible with existing zoning and plans; and (6) the name of the person or persons who prepared or participated in the Initial Study (CEQA Guidelines, Section 15063(d) and Appendix G).

Maps, photos, drawings, or explanatory material should be attached to provide a better understanding of the project. The Initial Study must be in sufficient detail to describe adequately the probable effect of the project on the affected area.

At this point, since the department has a certified regulatory program, review would begin of THP pursuant to the rules in the Forest Practice Act.

Possible Sideboards/Thresholds

Ownership of less than 40 acres of timberland

Limitation on entries

Examples: <15% removal of stand in 7 year period
No re-entry until growth matches harvest
Modified Southern Sub district procedures

No Class I harvest

No, or minimal Class II-L harvest

Minimal Class II harvest (e.g., retain 85% canopy closure)

Less than 600 feet road construction, no Class II crossings

No exemption submission during life of plan.